

## **Transcript of Public Hearing**

Date: February 13, 2019

Case: Ophthalmology Surgery Center of Illinois - Itasca/Project #18-047

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1
             ILLINOIS DEPARTMENT OF PUBLIC HEALTH
         HEALTH FACILITIES AND SERVICES REVIEW BOARD
2
3
           BEFORE HEARING OFFICER JEANNIE MITCHELL
4
    IN RE:
5
    Public Comments Regarding
6
    Application to Establish : Project No. 18-047
7
    a Single-Specialty
8
    Ambulatory Surgery
9
    Treatment Center by
10
    Ophthalmology Surgery
11
    Center of Illinois, LLC. :
12
13
       HEARING in accordance with requirements of the
14
           Illinois Health Facilities Planning Act
15
16
                   Itasca Community Library
17
                   500 West Irving Park Road
                    Itasca, Illinois 60143
18
19
                 Wednesday, February 13, 2019
                          11:02 a.m.
20
     Job No. 224253
21
22
     Pages: 1 - 30
23
     Reported by: Melanie L. Humphrey-Sonntag,
24
                   CSR, RDR, CRR, CRC, FAPR
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1	PRESENT:
2	ILLINOIS HEALTH FACILITIES AND SERVICES
3	REVIEW BOARD, by
4	JEANNIE MITCHELL, Public Hearing Officer
5	ANN GUILD, Compliance Manager
6	Second Floor
7	525 West Jefferson Street
8	Springfield, Illinois 62761
9	(217) 782-3516
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1	PROCEEDINGS
2	HEARING OFFICER MITCHELL: Good morning.
3	Thank you for participating in today's
4	public hearing for Ophthalmology Surgery Center of
5	Illinois.
6	I am Jeannie Mitchell, general counsel and
7	today's Hearing Officer for the Illinois Health
8	Facilities and Services Review Board. Present
9	with me today is Ann Guild, the compliance
10	analyst.
11	On behalf of HFSRB, thank you for
12	attending today's hearing. As per the rules of
13	the Illinois Health Planning Act, the previously
14	published legal notice has been submitted to the
15	court reporter and will be included in today's
16	record.
17	
18	NOTICE OF REVIEW AND OPPORTUNITY FOR PUBLIC
19	HEARING AND WRITTEN COMMENT:
20	In accordance with the
21	requirements of the Illinois Health
22	Facilities Planning Act, notice is given
23	of receipt to establish a single-
24	specialty ambulatory surgery treatment

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1
    center (ASTC) in Itasca.
                               Project
2
    No. 18-047, Ophthalmology Surgery Center
    of Illinois, Itasca. Applicants:
3
4
    Ophthalmology Surgery Center of Illinois,
5
    LLC. The Applicant proposes to establish
6
    a single-specialty ASTC in 5,916 gross
    square feet of leased space located at
7
8
     1300 Arlington Heights Road, Itasca.
9
    Project cost: $3,975,093.
10
            The application was declared
11
    complete on December 5, 2018. A copy of
12
    the application may be viewed at the
13
     Illinois Health Facilities and Services
    Review Board office, at the address
14
15
    below. Consideration by the State Board
16
    has been tentatively scheduled for the
17
    April 30th, 2019, State Board meeting.
18
            Any person wanting a public
    hearing on the proposed project must
19
20
    submit a written request for a hearing
2.1
    no later than December 20, 2018, to:
22
    Mike Constantino, Supervisor, Project
    Review Section, Illinois Health
23
24
    Facilities and Services Review Board,
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1	525 West Jefferson Street, Second Floor,
2	Springfield, Illinois 62761.
3	Any person wanting to submit
4	written comments on this project must
5	submit these comments by April 10, 2019.
6	The State Board will post its findings in
7	a State Board staff report, and the
8	report will be made available via the
9	Internet on April 16, 2019. The public
10	may submit written responses in support
11	of or in opposition to the findings of
12	the Illinois Health Facilities and
13	Services Review Board. The public will
14	have until 9:00 a.m., April 20, 2019.
15	LEGAL NOTICE OF PUBLIC HEARING AND OPPORTUNITY
16	FOR WRITTEN COMMENT
17	In accordance with the
18	requirements of the Illinois Health
19	Facilities Planning Act and 77 Illinois
20	Administrative Code Part 1130, notice is
21	given of a public hearing on an
22	application for permit to establish a
23	single-specialty ambulatory surgery
24	treatment center (ASTC) in Itasca.

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1
    Project No. 18-047, Ophthalmology Surgery
2
    Center of Illinois, Itasca. Applicants:
3
    Ophthalmology Surgery Center of Illinois,
4
    LLC.
          The Applicant proposes to establish
    a single-specialty ASTC in 5,916 gross
5
6
    square feet of leased space located at
7
     1300 Arlington Heights Road, Itasca.
8
    Project cost: $3,975,093.
9
            The public hearing is to be held
10
    by the Illinois Health Facilities and
11
    Services Review Board pursuant to the
12
     Illinois Health Facilities Planning Act.
13
    The hearing is open to the public and
    will afford an opportunity for parties at
14
15
     interest to present written and/or verbal
16
    comment relevant to the project. All
17
    allegations or assertions should be
18
    relevant to the need for the proposed
    project and be supported with two copies
19
    of documentation or materials that are
20
2.1
    preferably printed or typed on paper size
22
     8 1/2 by 11.
23
            The hearing will be held on
24
    Wednesday, February 13, 2019, from
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1
     11:00 a.m. to 12:30 p.m. and from 1:30 to
2
     2:00 p.m. at the Itasca Community Library,
3
    West Room, 500 West Irving Park Road,
4
     Itasca Illinois.
5
            Consideration by the State Board
6
    has been tentatively scheduled for the
    April 30, 2019, State Board meeting. Any
7
8
    person wanting to submit written comments
9
     on this project must submit these
10
     comments by April 10, 2019.
11
            The State Board will post its
12
     findings in a State Board staff report,
13
     and the report will be made available via
14
     the Internet on April 16, 2019.
15
    public may submit written responses to
16
     errors in the findings of Board staff to
17
     the Illinois Health Facilities and
     Services Review Board. The public will
18
    have until 9:00 a.m. April 20, 2019, to
19
20
     submit responses to the staff report.
            For additional information
2.1
22
     contact Courtney Avery, Administrator, at
23
     312.814.4825 or courtney.avery@illinois.gov.
2.4
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1	HEARING OFFICER MITCHELL: Please note
2	that in order to ensure the Health Facilities and
3	Services Review Board's public hearings protect
4	the privacy and maintain the confidentiality of an
5	individual's health information, covered entities
6	as defined by the Health Insurance Portability and
7	Accountability Act of 1996 such as hospital
8	providers, health plans, and health care
9	clearinghouses submitting oral or written
10	testimony that disclose protected health
11	information of individuals shall have a valid
12	written authorization from that individual. The
13	authorization shall allow the covered entity to
14	share the individual's protected health
15	information at this hearing.
16	If you have not signed in yet, please see
17	Ann Guild at the back of the room.
18	Those of you that have prepared text of
19	your testimony, please note that you may submit
20	the written text, which will be entered into
21	today's record and made available for all
22	HFSRB members prior to the project's
23	consideration.
24	For those of you providing oral testimony,

1	there will not be a time limit today. Because we
2	have so few participants, we'll let you speak.
3	Participants will be called in numerical order
4	I'll call you by name, rather, since you don't
5	know what number you have. Participants will be
6	called by name.
7	As you approach the speaker's podium,
8	please provide me with your sign-in sheet. Prior
9	to beginning your remarks, clearly state and spell
10	your full name. If you have written copies of
11	your remarks, please provide those to me.
12	Are there any questions regarding these
13	instructions?
14	MS. FRIEDMAN: I think Ann has the sign-in
15	sheet.
16	HEARING OFFICER MITCHELL: Yes. As I read
17	that, I thought, "They don't have the sign-in
18	sheets." So I'll just call you by name; you come
19	up to the podium and speak.
20	Any other questions?
21	(No response.)
22	HEARING OFFICER MITCHELL: Hearing none,
23	we'll begin with today's public hearing.
24	Wes Becton.

1	MR. BECTON: Wes, W-e-s; last name is
2	Becton, B-e-c-t-o-n.
3	Thank you for holding the hearing. Good
4	morning. My name is Wes Becton. I will be the
5	administrator for the Ophthalmology Surgery Center
6	of Illinois.
7	We're proposing to establish a very
8	limited ambulatory surgical treatment facility
9	with two operating rooms for ophthalmology and
10	laser eye surgeries. We appreciate the public
11	support we have received thus far, and we look
12	forward to additional support from persons who
13	support our project.
14	By age 65 one in three Americans will have
15	some form of vision-impairing eye condition.
16	There are four major age-related eye diseases that
17	affect seniors: Glaucoma, cataracts, macular
18	degeneration, and diabetic radiculopathy.
19	Glaucoma occurs when the pressure within
20	the eye is elevated, which can damage the optic
21	nerve and result in vision loss and blindness.
22	For patients whose glaucoma cannot be successfully
23	controlled with medication, surgery is required to
24	reduce eye pressure.

1	Trabeculoplasty uses a laser to improve
2	the flow of fluids out of the eye, thereby
3	reducing pressure. Trabeculectomy is a
4	conventional surgery where the doctor creates a
5	new drainage path in the eye under the eyelid.
6	A cataract is a clouding of the eye's
7	usually transparent lens. The lens is composed of
8	water and protein, but if the protein clumps
9	together, it can start to obscure transmission of
10	light through the lens. If the cataract worsens
11	and begins to severely affect vision, surgery may
12	be necessary to remove the cloudy lens and replace
13	it with a new one.
14	Macular degeneration dramatically
15	diminishes sight by affecting one's central
16	vision. The condition affects the macula, an area
17	at the center of the retina that is responsible
18	for focused, central vision. Although people with
19	macular degeneration rarely go completely blind
20	because of it, many find it difficult to read,
21	drive, and perform other daily functions. While
22	macular degeneration is incurable, laser surgery
23	and antiangiogenic drug injections can slow the
24	progression.

1	Diabetic retinopathy is a potentially
2	blinding disorder. Diabetes causes abnormal
3	changes in the retina's blood vessels, causing
4	them to become leaky and grow where they should
5	not. These new vessels tend to break and bleed.
6	As they try to heal, the damaged blood vessels
7	will contract and detach the retina.
8	There's no cure for diabetic retinopathy;
9	however, laser treatment, photocoagulation, is
10	usually very effective at preventing vision loss
11	if it is done before the retina has been severely
12	damaged. Surgical removal of the vitreous gel,
13	vitrectomies, may also help improve vision if the
14	condition is caught early enough.
15	This project provides an alternative to
16	higher-cost hospital-based care for eye surgery.
17	By way of example, the 2017 median cost of a
18	cataract procedure performed in a hospital in
19	Illinois was \$9,217 compared to the \$991.85 which
20	is the Medicare reimbursement our proposed surgery
21	center will receive.
22	Furthermore, hospitals cap the number of
23	Medicaid cases that can be performed in a given
24	month, limiting access to critical surgical

1	services to this economically disadvantaged
2	population.
3	While there are surgery centers within the
4	10-mile geographic service area that we propose,
5	most are multispecialty surgery centers, and they
6	do not focus exclusively on eyes, and we end up
7	competing for surgical time with other specialties
8	at these surgery centers.
9	For these reasons we respectfully request
10	the Health Facilities and Services Review Board
11	approve our application for this single-specialty
12	eye surgery center.
13	Thank you.
14	HEARING OFFICER MITCHELL: Thank you.
15	Kara Friedman.
16	MS. FRIEDMAN: Hi. My name is Kara
17	Friedman, counsel to the Ophthalmology Surgery
18	Center of Illinois. I have a few brief comments
19	regarding this project.
20	First of all, as some of you know, I work
21	a lot in other sectors of health care. Dialysis
22	care is one that I'm very involved in, and that is
23	a disease state that, while it does become more
24	prevalent with age, there are many things that you

1	can do to reduce the chances that you will require
2	dialysis, managing hypertension and diabetes being
3	the primary and managing your weight and getting
4	regular primary care.
5	With eye conditions, regardless of the
6	sorts of ongoing preventative services that you
7	might get at a certain age, as Mr. Becton
8	indicated, there will be an increasing prevalence
9	of diseases that really affect your vision.
10	And, you know, in my own very immediate
11	sphere, both my parents have had cataract
12	surgeries; my husband is nearing the time that he
13	needs cataract surgery. I just spoke to a
14	colleague on the phone a few minutes before I got
15	here, and he could not transfer me to the person
16	I wanted to speak to next because he couldn't read
17	the numbers on his phone and he needed cataract
18	surgery.
19	So as we age, we've become more and more
20	cognizant of the fact that the eye is an
21	essential, vital organ that we cannot function
22	the way that we're used to functioning as it
23	deteriorates with age

I do want to highlight today that the

24

1	party, Surgical Care Affiliates, calling for this
2	public hearing was involved in preliminary
3	discussions regarding development of this surgery
4	center and declined to participate. This center
5	will provide high-quality and lower-cost options
6	for patients suffering from the various eye
7	conditions that Mr. Becton discussed.
8	Many of you are familiar with the Medicare
9	Payment Advisory Commission. It's an independent
10	US Federal body headquartered in Washington, DC,
11	that makes recommendations to CMS on provider
12	payment, reimbursement policies.
13	MedPac that's the abbreviation
14	recognizes the cost benefit of improved access to
15	ambulatory surgery centers. MedPac estimates that
16	in 2016 Medicare beneficiaries' cost-saving
17	obligations were about \$580 million lower for
18	procedures performed in ASCs rather than hospital
19	outpatient departments.
20	And, you know, more and more these days we
21	see, as the community gets older, there's a large
22	segment of marginalized seniors who are living on
23	their social security. So when there's a
24	difference between a \$200 or a \$500 or a \$2,000

co-pay on a necessary service that they need, they need to have access to the lower-cost service just so they're not having to forgo, for example, their insulin, another big problem we see in the senior community these days.

2.1

MedPac also recognizes -- and this is a quote -- that the "Medicare program spending and overall beneficiary cost could be reduced if more surgical services were provided in surgery centers rather than hospital outpatient departments."

Similarly, certain commercial payers are driving care towards the ambulatory surgery center setting, and that, you know, eventually should be maximizing opportunities for Surgical Care

Affiliates, as well, because there's way too many surgeries being done in the hospital setting at the current time.

Because UnitedHealthcare, for example,
wants to steer those patients, it requires that,
if a patient does not have comorbid conditions
requiring that they receive their services in the
hospital outpatient setting, that they receive
those services in an ambulatory surgery center,
and they need to get, you know, medical evidence

1 certification before they have those services 2 performed in the hospital setting. 3 In the state of Illinois in 2017, which is 4 the most current data that we have available, 5 there were 1.7 million surgical procedures 6 performed in hospital outpatient departments and 7 surgery centers. Unfortunately, less than 8 one-third of those were performed in a surgery 9 center. 10 In the same year, approximately 190,000 simple eye surgical procedures were performed in 11 12 hospital outpatient departments, less than 50 percent of those were performed -- of all 13 services for eye care -- were performed in a 14 surgery center setting, and I think we are behind 15 16 on that ratio compared to other states. 17 Transitioning medically appropriate cases 18 from an outpatient hospital setting to an ASC is a more cost-effective use of health care resources, 19 20 and that's from a payer, employer, and individual 2.1 patient perspective. There's a need for this 22 surgery center, and the CON process should not be 23 used to block the project. 2.4 As noted in a recent joint report that

1	many of you probably read that was issued by the
2	Department of Treasury, the Department of Labor,
3	and CMS it was called "Reforming America's
4	Health Care System Through Choice and
5	Competition." It was, I believe, reported
6	issued was December 2018.
7	It suggested that CON programs are
8	frequently costly barriers to entry rather than
9	successful tools for controlling costs or
10	improving quality. There are high regulatory
11	costs associated with the CON process, and it
12	discourages would-be providers from entering
13	certain markets and discourages existing providers
14	from expanding to meet needs and innovating care.
15	These regulatory costs can restrict
16	investment that would benefit consumers and lower
17	costs in the long term and are likely to increase,
18	rather than constrain, health care costs.
19	Finally, CON laws are used by competitors to block
20	healthy competition, which encourages lower cost,
21	efficiency, and, of course, choice.
22	Thank you for your time. We look forward
23	to your consideration of this project at your
24	upcoming meeting.

1	HEARING OFFICER MITCHELL: Thank you.			
2	Ron Ladniak.			
3	MR. LADNIAK: Ron Ladniak, spelled			
4	L-a-d-n-i-a-k.			
5	HEARING OFFICER MITCHELL: Okay.			
6	Thank you.			
7	MR. LADNIAK: Good morning.			
8	I am the administrator of the Midwest			
9	Center for Day Surgery since 1987. Midwest Center			
10	for Day Surgery is located on the campus of			
11	Advocate Good Samaritan Hospital in Downers Grove,			
12	and we strongly oppose the approval of			
13	Ophthalmology Project 18-047, the Ophthalmology			
14	Surgery Center of Illinois in Itasca.			
15	Contrary to the assertion in the			
16	application for permit, the proposed surgery			
17	center will have a devastating economic impact on			
18	the Midwest Center for Day Surgery. Dr. Kevin			
19	Kovach from the Kovach Eye Center has been on our			
20	surgery center's medical staff since 2009, and all			
21	current and past partners simultaneously joined			
22	the center's medical staff when they joined his			
23	group.			
24	For the last 10 years, Midwest Center for			

1 Day Surgery has enthusiastically supported and invested in all of Dr. Kovach's new ventures and 2 surgical procedures. When he expanded his scope 3 4 of practice in February of 2016 by bringing on a 5 retinal specialist, the surgery center invested 6 \$125,000 in specialized equipment for these 7 procedures. 8 When Dr. Kovach wished to perform cataract 9 surgery using the new femto laser technology, the 10 surgery center agreed to house these two lasers 11 along with the ancillary equipment. All of these 12 and other capital expenditures directly contributed to Dr. Kovach growing and broadening 13 the scope of his ophthalmology practice well 14 15 beyond where it was five years ago. 16 The center also dedicated three operating 17 rooms to ophthalmology services of our five and also invested \$120,000 in the last two years 18

rooms to ophthalmology services of our five and also invested \$120,000 in the last two years purchasing two new microscopes.

In December of 2016 Dr. Kovach was so

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In December of 2016 Dr. Kovach was so committed to Midwest Center that he elected to further his investment and now owns 30 percent of the facility's ownership, and, when doing so, he committed to a four-year restrictive covenant to

1 remain at Midwest Center for Day Surgery. 2 Dr. Kovach is breaking his commitment and 3 contractual obligation to the facility and his 4 fellow investors. 5 Our patient satisfaction results validate 6 that Dr. Kovach's patients are extremely satisfied 7 with their experience at Midwest Center for Day 8 Surgery, especially with our talented and 9 specialized ophthalmology nursing staff, and 10 nearly all return to the surgery center when 11 another eye procedure is needed. 12 As the result of our unflagging support of his practice, the Kovach Eye Institute surgical 13 14 case volume at Midwest Center for Day Surgery during the last five years has grown to 34 percent 15 16 of our total case volume. Withdrawing this volume 17 will create a huge void in the utilization of our 18 surgery center, which will be difficult to replace 19 as our service area is already saturated with 20 ambulatory surgical treatment centers. 2.1 An additional consequence of the loss of 22 this volume will be the need to reduce staff hours 23 and lay off the equivalent of seven full-time 2.4 equivalent, both clinical and business office

1	staff.				
2	Thank you for your attention.				
3	HEARING OFFICER MITCHELL: Thank you.				
4	LuAnn Prephan.				
5	Thank you.				
6	MS. PREPHAN: Hi. It's LuAnn, L-u-A-n-n;				
7	Prephan, P-r-e-p-h-a-n.				
8	Thanks for hearing me today. My name is				
9	LuAnn Prephan. I'm the director of operations for				
10	Surgical Care Affiliates in Chicago. I'm here				
11	today to oppose Project 18-047, the Ophthalmology				
12	Surgery Center of Illinois, Itasca.				
13	I'm responsible for the operations at				
14	Naperville Surgery Center, which is one of the				
15	locations where Dr. Kevin Kovach currently				
16	performs ophthalmology procedures. The approval				
17	of this project would mean a loss of a large				
18	number of procedures at the Naperville ASC.				
19	We're very concerned that the approval of				
20	the project would lead to a significant impact to				
21	Naperville operations and may create the need for				
22	staff reductions as well as limit the access to				
23	care for the patients in the Naperville area.				
24	Additionally, we currently provide a large				

1	ophthalmology service that allows us to provide
2	the latest equipment and technology, which leads
3	to better patient outcomes. A decrease in volume
4	puts the center at risk of not being able to
5	continue to provide this high level of care to the
6	patients we serve. It's also important to point
7	out that upwards of 50 percent of our surgery
8	schedule is open and available for scheduling
9	cases.
10	In the interest of ophthalmology patients
11	in our market, I strongly encourage the Review
12	Board to deny the project.
13	Thank you for your time and consideration.
14	HEARING OFFICER MITCHELL: Thank you.
15	Drew Bell.
16	MR. BELL: Drew, D-r-e-w; Bell, B-e-l-l.
17	So my name is Drew Bell. I'm the regional
18	vice president for Surgical Care Affiliates for
19	the Chicagoland region.
20	I'd like to thank the Review Board staff
21	for their coordination of this hearing today as
22	well as providing us the opportunity to voice our
23	opposition for the project.
24	So I'm here today also to oppose

1	Project 18-047, the Ophthalmology Surgery Center
2	of Illinois in Itasca. This application is
3	constructed with the intent to pull all of
4	Dr. Kevin Kovach's and the Kovach Eye Institute's
5	surgical volume from the six identified area
6	facilities that they currently utilize. Three of
7	those six facilities are ASTCs, and across those
8	three sites he already performs 90 percent of his
9	surgical case volume. They're all listed as
10	losing 100 percent of the case volume to this
11	proposed ASTC, and two of those ASCs, Midwest
12	Center for Day Surgery and Naperville Surgery
13	Center, are facilities that Surgical Care
14	Affiliates is partnered with and operates.
15	Additionally, Dr. Kovach is a partner
16	himself and a board member at Midwest Center for
17	Day Surgery, Downers Grove, where more than
18	50 percent of his cases are currently performed.
19	As you can imagine, the approval of this
20	project would lead to a substantially adverse
21	impact on these ASTCs and could create very
22	difficult dynamics around staff reductions,
23	reduced accessibility for patients, and increased
24	capability to continue to invest in our centers.

1	Both ASTCs we operate have substantial
2	amounts of available capacity for additional cases
3	and could accommodate any uptick in volume from
4	KEI as a practice. We see no need or
5	justification for this project, which would simply
6	lead to redundancy of services and materially
7	adverse impacts on multiple ASTCs in the market.
8	I encourage the Review Board to deny this
9	project.
10	Thank you for your time and consideration.
11	HEARING OFFICER MITCHELL: Thank you.
12	Deborah Gardiner.
13	MS. GARDINER: D-e-b-o-r-a-h
14	G-a-r-d-i-n-e-r.
15	Good morning. My name is Deborah
16	Gardiner, and I'm one of the directors of
17	operations for Surgical Care Affiliates in the
18	Chicagoland region.
19	Thank you in advance to the Review Board
20	members for providing us the opportunity to share
21	our concerns regarding this project.
22	To be clear, I am a strong proponent of
23	eye care, as I am a holder of Be My Eyes I'm
24	not sure if you guys know what that app is, but it

1	is an app where I am a volunteer to blind
2	individuals that can call me and I can walk them
3	through a task that they need to complete.
4	I am also a board member of Friedman
5	Place, which is a nonprofit organization for blind
6	adults on the north side of Chicago, so I'm very
7	passionate about eye care.
8	I'm here this morning, however, to oppose
9	Project 18-047, the Ophthalmology Surgical Center
10	of Illinois. As I reviewed this application, it
11	stated that Dr. Kevin Kovach of Kovach Eye
12	Institute will pull all of his surgical volume
13	from various facilities that he currently uses.
14	50 percent of his volume is performed at
15	an ambulatory surgery center that operates under
16	my span of control. That facility, Midwest Center
17	for Day Surgery in Downers Grove, is a site that
18	SCA partners with and currently operates.
19	Dr. Kovach, as previously mentioned, is
20	also a partner and a board member at Midwest
21	Center for Day Surgery in Downers Grove and has
22	one of the highest case volumes of our active
23	physicians.
24	The approval of this project would have

1	severe consequences for Midwest Center for Day
2	Surgery. As Ron mentioned, he would need to make
3	staff reductions due to the decreased surgical
4	volume, and he would lose the ability to reinvest
5	in the center due to decreased capital. In
6	addition, there would be reduced accessibility for
7	patients who currently have a very high
8	satisfaction rate with that center.
9	The two current facilities that Surgical
10	Care Affiliates operates have additional capacity
11	to perform cases and could accommodate any
12	increase in volume from Dr. Kovach. As LuAnn
13	previously mentioned, she has three ORs, and Ron
14	mentioned there are four ORs available to
15	Dr. Kovach, and we could provide him with
16	additional time slots and days to perform his
17	cases.
18	We see no need for this project, which
19	would be a duplication of services and have a
20	negative impact on multiple facilities in the
21	market. We encourage the Review Board to deny the
22	project.
23	Thank you for your time, your talent, and
24	a thorough review of this project application.

1	Thank you.					
2	HEARING OFFICER MITCHELL: Thank you.					
3	Is there anybody who wishes to speak who					
4	has not had an opportunity to do so, did not sign					
5	in previously but has since changed their mind?					
6	(No response.)					
7	HEARING OFFICER MITCHELL: Okay. We'll go					
8	off the record for a little bit.					
9	The hearing time scheduled was for 11:00					
10	to 12:30 and 1:30 until 2:00, so we'll go off the					
11	record for the first part for a little bit and					
12	wait to see if anybody shows up.					
13	Thank you.					
14	MR. BECTON: Thank you.					
15	MS. FRIEDMAN: What time are we					
16	reconvening?					
17	HEARING OFFICER MITCHELL: I'll get back					
18	on before the lunch break, before 12:30, just to					
19	say we're going to take a recess until 1:30.					
20	MS. FRIEDMAN: Okay.					
21	(A recess was taken from 11:28 a.m. to					
22	12:24 p.m.)					
23	HEARING OFFICER MITCHELL: If I could have					
24	everyone's attention, we're going back on the					

```
1
     record just to say that we're going to take a
2
     one-hour lunch recess.
3
            We'll reconvene at approximately 1:30.
4
    All right?
                Thank you.
5
            MS. GARDINER:
                            Thank you.
6
            MR. BELL: Thank you.
7
            (A recess was taken from 12:25 p.m. to
8
     1:32 p.m.)
9
            HEARING OFFICER MITCHELL: The time is now
           We're back on the record.
10
11
            Seeing that there are no additional
12
     speakers, we'll go back off the record for a few
13
    minutes to see if anybody shows up.
14
            (A recess was taken from 1:33 p.m. to
15
     1:45 p.m.)
16
            HEARING OFFICER MITCHELL: We are back on
17
     the record.
18
            There are no additional speakers, so
     I officially call this public hearing closed.
19
20
            (Off the record at 1:45 p.m.)
2.1
22
23
24
```

## 1 CERTIFICATE OF SHORTHAND REPORTER 2 3 I, Melanie L. Humphrey-Sonntag, Certified 4 Shorthand Reporter No. 084-004299, CSR, RDR, CRR, 5 CRC, FAPR, and a Notary Public in and for the 6 County of Kane, State of Illinois, the officer 7 before whom the foregoing proceedings were taken, 8 do certify that the foregoing transcript is a true 9 and correct record of the proceedings, that said 10 proceedings were taken by me and thereafter 11 reduced to typewriting under my supervision, and 12 that I am neither counsel for, related to, nor 13 employed by any of the parties to this case and have no interest, financial or otherwise, in its 14 15 outcome. 16 17 IN WITNESS WHEREOF, I have hereunto set my 18 hand and affixed my notarial seal this 3rd day of 19 March, 2019. 20 My commission expires July 3, 2021. 2.1 MSH lumphrey Sonday 22 MELANIE L. HUMPHREY-SONNTAG 23 2.4 NOTARY PUBLIC IN AND FOR ILLINOIS

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